

IC 31-21-2

Chapter 2. Definitions

IC 31-21-2-1

Definitions application

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-2

"Abandoned"

Sec. 2. "Abandoned" means left without provision for reasonable and necessary care or supervision.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-3

"Child"

Sec. 3. "Child" means a person who is less than eighteen (18) years of age.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-4

"Child custody determination"

Sec. 4. (a) "Child custody determination" means a judgment, decree, or other court order providing for:

- (1) legal custody;
- (2) physical custody; or
- (3) visitation;

with respect to a child.

(b) The term does not include an order relating to child support or other monetary obligation of a person.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-5

"Child custody proceeding"

Sec. 5. (a) "Child custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for:

- (1) dissolution of marriage or legal separation;
- (2) child abuse or neglect;
- (3) guardianship;
- (4) paternity;
- (5) termination of parental rights; and
- (6) protection from domestic violence;

in which the issue of child custody or visitation may appear.

(b) The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement of child custody under IC 31-21-6.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-6**"Commencement"**

Sec. 6. "Commencement" means the filing of the first pleading in a proceeding.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-7**"Court"**

Sec. 7. "Court" means an entity authorized by state law to establish, enforce, or modify a child custody determination.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-8**"Home state"**

Sec. 8. "Home state" means the state in which a child lived with:

(1) a parent; or

(2) a person acting as a parent;

for at least six (6) consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six (6) months of age, the term means the state in which the child lived since birth with a parent or person acting as a parent. A period of temporary absence of the parent or person acting as a parent is part of the period.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-9**"Initial determination"**

Sec. 9. "Initial determination" means the first child custody determination concerning a child.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-10**"Issuing court"**

Sec. 10. "Issuing court" means the court that makes a child custody determination for which enforcement is sought under this article.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-11**"Issuing state"**

Sec. 11. "Issuing state" means the state in which a child custody determination is made.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-12**"Modification"**

Sec. 12. "Modification" means a child custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, regardless of whether the determination is made by the court that made the previous

determination.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-13

"Person"

Sec. 13. "Person" means an individual, a corporation, a business trust, an estate, a trust, a partnership, a limited liability company, an association, a joint venture, a government, a governmental subdivision, an agency or instrumentality, a public corporation, or any other legal or commercial entity.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-14

"Person acting as a parent"

Sec. 14. "Person acting as a parent" means a person, other than a parent, who:

- (1) has physical custody of the child or has had physical custody for a period of at least six (6) consecutive months, including a temporary absence, within one (1) year immediately before the commencement of a child custody proceeding; and
- (2) has been awarded legal custody by a court or claims a right to legal custody under Indiana law.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-15

"Petitioner"

Sec. 15. "Petitioner" means a person who seeks enforcement of:

- (1) an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction; or
- (2) a child custody determination.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-16

"Physical custody"

Sec. 16. "Physical custody" means the physical care and supervision of a child.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-17

"Record"

Sec. 17. "Record" means information that is:

- (1) inscribed on a tangible medium; or
 - (2) stored in an electronic or other medium;
- and that is retrievable in a perceivable form.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-18

"Respondent"

Sec. 18. "Respondent" means a person against whom a proceeding has been commenced for enforcement of:

- (1) an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction; or
- (2) a child custody determination.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-19

"State"

Sec. 19. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or a territory or an insular possession subject to the jurisdiction of the United States.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-20

"Tribe"

Sec. 20. "Tribe" means an Indian tribe or band or Alaskan Native village that is:

- (1) recognized by federal law; or
- (2) formally acknowledged by a state.

As added by P.L.138-2007, SEC.45.

IC 31-21-2-21

"Warrant"

Sec. 21. "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

As added by P.L.138-2007, SEC.45.